

**ORIGINAL**

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554 OFFICE OF THE SECRETARY

In re Applications of

WILLIAM F. O'SHAUGHNESSY

SHIRLEY A. PENROD

For a Construction Permit for  
a New Commercial FM Station on  
Channel 241A at South Waverly, PA

) MM Docket No. 92-185

) File No. BPH-910703MK

) File No. BPH-910708ME

To: The Honorable Richard L. Sippel  
Administrative Law Judge

**SUPPLEMENT TO**  
**JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT**

The attached affidavits were inadvertently omitted from Attachment B to the Joint Request for Approval of Settlement Agreement submitted on September 16, 1992. We regret this omission.

Respectfully submitted,

WILLIAM F. O'SHAUGHNESSY

By Rainer K. Kraus  
Rainer K. Kraus

KOTEEN & NAFTALIN  
1150 Connecticut Avenue, N. W.  
Suite 1000  
Washington, D. C. 20036  
(202) 467-5700

His Attorney

September 22, 1992

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List A B C D E

**AFFIDAVIT**

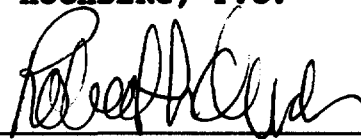
I, Robert L. Olender, partner in the law firm of Baraff, Koerner, Olender & Hochberg, P.C., do hereby state under penalty of perjury the following:

This firm was responsible for providing legal representation in the preparation and prosecution of the application for a construction filed by Shirley A. Penrod for Channel 241A, South Waverly, Pennsylvania (File No. BPH-910708ME). The out-of-pocket and legal expenses incurred by Ms. Penrod with this firm totalled in the aggregate \$8,047.50. This involved inter alia, preparation of FCC Form 301; analysis of competing applications; Opposition to Petition to Deny; Motion to Dismiss, conference with client regarding settlement, conference with opposing counsel in connection with settlement, and work regarding settlement affidavits.

Respectfully submitted,

**BARAFF, KOERNER, OLENDER  
HOCHBERG, P.C.**

By: \_\_\_\_\_

  
Robert L. Olender  
Managing Partner

Date: December 6, 1991



INDEPENDENT BROADCAST CONSULTANTS, INC.

110 COUNTY RD. 146,  
TRUMANSBURG, N.Y. 14886-9721  
(607) 273-2970

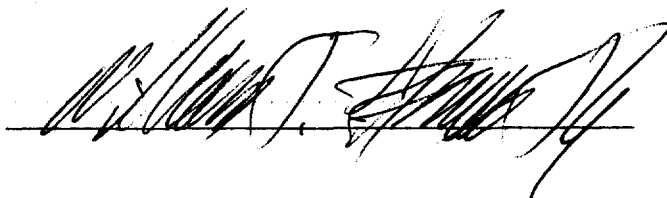
Village of Trumansburg )  
Tompkins County ) ss:  
State of New York )

William J. Sitzman, Jr., being duly sworn upon his oath,  
deposes and states that:

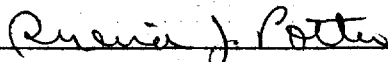
He is President of and a consultant with the firm of  
Independent Broadcast Consultants, Inc., with offices at 110 County  
Road 146, Trumansburg, New York, 14886-9721.

An application for construction permit was completed  
July 1, 1991 on behalf of Ms. Shirley A. Penrod for a commercial FM  
radio station to operate on channel 241A (96.1 MHz) with 0.62 kW at  
217 meters AAT to serve South Waverly, Pennsylvania. A minor amendment  
was filed August 12, 1991 from this office clarifying the issue of  
RF emissions from the proposed facility. The application and amendment  
were prepared by Mr. Robert A. Lynch, staff engineer of this firm.

The total cost of the above-mentioned application and amend-  
ment stands at an amount of \$1760.70 and further, no payment has yet  
been applied to that figure.



Subscribed and sworn to before me this 6<sup>th</sup> day of Dec., 1991.

  
Notary Public

SYLVIA J. POTTER  
Notary Public, State of New York  
Qualified in Tompkins County  
No. 4854487  
Commission Expires July 31, 1993

**CERTIFICATE OF SERVICE**

I, Judy Cooper, a legal secretary in the law office of Koteen & Naftalin, hereby certify that on the 22nd day of September, 1992, copies of the foregoing "Supplement" were deposited in the U.S. mail, postage prepaid, addressed to:

Honorable Richard L. Sippel\*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N. W.  
Room 214  
Washington, D. C. 20554

Norman Goldstein, Esquire\*  
Hearing Branch, Enforcement Division  
Federal Communications Commission  
2025 M Street, N. W. Room 7212  
Washington, D. C. 20554

Gary S. Kalagian, Chief\*  
Data Management Staff  
Federal Communications Commission  
1919 M Street, N. W. Room 350  
Washington, D. C. 20554

Robert L. Olender, Esquire  
Baraff, Koerner, Olender & Hochberg  
5335 Wisconsin Avenue, N. W.  
Suite 300  
Washington, D. C. 20015

  
Judy Cooper

\*By Hand Delivery